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(to be used for all correspondence after initial filing)

Application Number	10/696,727
Filing Date	10/28/03
First Named Inventor	Simonson, Rush E.
Art Unit	
Examiner Name	
Attorney Docket Number	080083.00004

Total Number of Pages in This Submission

4

### ENCLOSURES (Check all that apply)

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Remarks

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Firm  
or  
Individual name

Michael J. Colitz, III

Signature

*Michael J. Colitz, III*

Date

2/12/04

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Simonson, Rush E.  
SERIAL NUMBER: 10/696,727  
FILED: 10/28/03  
FOR: Improved Vertebral Implant Adapted for Posterior Insertion  
ATTORNEY DOCKET NO.: 080083.00004

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR BEFORE  
MAILING OF FIRST OFFICE ACTION

As listed on the attached Form PTO-1449, Applicant submits herewith copies of the patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose. Copies of the cited patents are not provided herewith due to the fact that they were previously submitted to the United States Patent and Trademark Office in United States Patent Application Serial No. 10/021,319, filed December 7, 2001 (New Pat. No. 6,572,653) and Serial No. 10/449,733, filed May 30, 2003, of which the instant application is a continuation-in-part of (37 C.F.R. §1.98(d)).

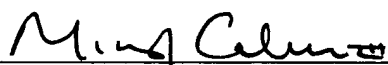
U.S. 3,741,205	Markolf et al.
U.S. 3,795,390	Kendall et al.
U.S. 4,309,777	Patil
U.S. 4,759,769	Hedman et al.
U.S. 4,892,545	Day et al.
U.S. 4,946,378	Hirayama et al.

U.S. 5,360,430	Lin
U.S. 5,401,269	Buttner-Janz et al.
U.S. 5,458,641	Ramirez Jimenez
U.S. 5,458,642	Beer et al.
U.S. 5,534,031	Matsuzaki et al.
U.S. 5,556,431	Buttner-Janz
U.S. 5,702,450	Bisserie
U.S. 5,827,328	Buttermann
U.S. 5,893,889	Harrington
U.S. 5,989,291	Ralph et al.
U.S. 6,045,579	Hochshuler et al.
U.S. 6,063,121	Xavier et al.
U.S. 6,117,174	Nolan
U.S. 6,156,067	Bryan et al.
U.S. 6,159,214	Michelson
U.S. 6,190,414	Young et al.
U.S. 6,224,607	Michelson
U.S. 6,231,609	Mehdizadeh
U.S. 6,241,769	Nicholson et al.
U.S. 6,264,695	Stoy
U.S. 6,267,764	Elberg
U.S. 6,325,827	Lin
U.S. 6,375,682	Fleischmann et al.
U.S. 6,419,706	Graf
U.S. 5,824,093	Ray et al.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

Respectfully submitted,

  
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I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via first class mail, postage paid, to: Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on this the 12 day of February, 2004.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-1667.

  
Michael J. Colitz, III



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Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet	1	of	2
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**Complete if Known**

Application Number	10/696,727
Filing Date	10/28/03
First Named Inventor	Simonson, Rush
Art Unit	
Examiner Name	
Attorney Docket Number	080083.00004

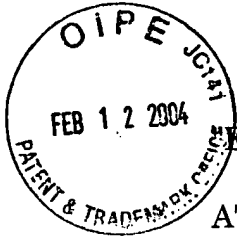
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Michael J. Colitz, III